

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

Claims 22-24 has been objected to because claim 22 contains the phrase “moving image and audio.” This phrase has been removed from claim 22. As a result, withdrawal of the objection to claims 22-24 is respectfully requested.

Claims 1, 7, 21 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Monroe (US 6,392,692) in view of Raskin (US 3,668,526) and Ichino (US 5,440,351). Claims 2-4, 8, 23 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Monroe in view of Raskin and Ichino and further in view of Rostoker (US 5,793,416). Claims 9-13, 17 and 25-29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Monroe in view of Raskin and Ichino and further in view of Strandwitz (US 6,522,352). Claims 14 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Monroe in view of Raskin, Ichino and Strandwitz and further in view of Rostoker.

Claims 1, 9, 13, 21 and 25 have been amended so as to further distinguish the present invention over the references relied upon in the rejections. Claims 2, 3, 7, 8, 14, 15, 17, 22-24 and 26 also have been amended. Claim 4 has been canceled without prejudice or disclaimer to the subject matter contained therein.

It is submitted that the above-mentioned rejections are no longer applicable to the claims for the following reasons.

Claim 1 is patentable over the combination of Monroe, Raskin and Ichino, since claim 1 recites a transmitter having, in part, an audio output instructing unit for controlling an audio output unit to output an audio signal when a distance calculated based on a field strength of a radio wave transmitted from a communication terminal is shorter than a predetermined value and for controlling a radio transmitting unit to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value. The combination of Monroe, Raskin and Ichino fails to disclose or suggest an audio output instructing unit as recited in claim 1.

Monroe discloses a network communication system that allows a commercial airplane 10 to wirelessly communicate with a ground control tower 216 or a ground station 18 via a radio 80 or a

LAN transceiver 280. The commercial airplane 10 can have a number of different sensors that can transmit images C1-Cn, audio 224, 226, 228, 113 or measurements 62, 230, 115 to the ground control tower 216 via the radio 80 or LAN transceiver 280. All of the information detected by the sensors is transmitted to a multimedia multiplexer 232 where it is multiplexed. The airplane 10 also has a display monitor 54 where the images and measurements can be displayed to a pilot, a speaker 240 where the audio can be reproduced for a pilot, a recorder 70 where all of the information can be stored, and a data transceiver 76 that can transmit all of the information to the control tower 216 via the radio 80 or the LAN transceiver 280. (See column 21, line 19 - column 22, line 60 and Figures 12C, 13 and 16).

Monroe fails to disclose or suggest an audio output instructing unit for controlling the speaker 240 to output an audio signal when a distance calculated based on a field strength of a radio wave transmitted from the control tower 216 is shorter than a predetermined value and for controlling the radio 80 or the LAN transceiver 280 to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value.

With regard to the Examiners comments in section 7 of the Office Action, it is noted that the comments indicate that Monroe discloses that the airplane 10 and the ground control tower 216 can communicate with each other. The fact that the control tower 216 and the airplane 10 can communicate with each other via the radio 80 or the LAN transceiver 280 is disclosed in Monroe. However, the comments then state that “it is certain that the speaker 240 is mounted to the outside of the commercial airplane 10 of Monroe” and therefore, it would be obvious to selectively determine to transmit audio data via the speaker 240 or the radio 80 or and LAN transceiver 280 to the ground control tower 216. It is unclear what section of Monroe is being relied on to make this absolute statement regarding the location of the speaker 240. Column 22, lines 34-60 indicates that visual and textual data are available at the display monitor 54 and that audio is output to the speaker 240. As can be seen from Figure 7, the display monitor 54 is illustrated as being in the cockpit 21. Therefore, it appears unlikely that the visual and textual data would be available via the display monitor 54 located in the cockpit 21 and the audio would be available via the speaker 240 located outside the airplane 10 as suggested by the comments. As a result of this apparent inconsistency, the Examiner

is respectfully requested to indicate what section of Monroe indicates that the speaker 240 is located outside the airplane 10.

Further, even if the speaker 240 is located outside the airplane 10, the speaker 240 and the radio 80 or the LAN transceiver 280 do not render obvious the features of controlling an audio output unit to output an audio signal when a distance calculated based on a field strength of a radio wave transmitted from a communication terminal is shorter than a predetermined value and for controlling a radio transmitting unit to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value of the audio output instructing unit recited in claim 1. Instead, the decision as to use the speaker 240 to output audio versus transmitting audio to the ground control tower 216 by way of the radio 80 or the LAN transceiver 280 appears to be made by the pilot.

Raskin discloses a system in which signals can be sent between an antenna 11 of a police station 10 and an antenna 13 of a police vehicle 12. The police vehicle 12 also has a transceiver 25, an outside speaker 14, a siren 15, revolving top lights 16, spotlights 17 and a second antenna 18. The second antenna 18 is used for communication with a remote transmitter 21 having an antenna 22 that can be carried by a police officer 20. The remote transmitter 21 includes a microphone 34, a push-to-talk switch 35 and a frequency select switch 36.

The system operates such that when the officer 20 is outside of the vehicle 12 and needs to communicate with the police station 10, the push-to-talk switch 35 on the remote transmitter 21 is depressed. Once the push-to-talk switch 35 is depressed, the remote transmitter 21 sends a signal to the transceiver 25 in the vehicle 12 which relays the signal to the police station 10. The remote transmitter 21 also has another feature in that should the officer 20 face a dangerous situation, the select switch 36 can be switched which sends a distress signal to the transceiver 25 in the vehicle 12 which triggers the siren 15, revolving top lights 16 and spotlights 17 to scare away the person endangering the officer 20. (See column 2, line 30 - column 4, line 71 and Figures 1 and 2).

As discussed above, the system of Raskin discloses the police vehicle 12 that has the outside speaker 14 and the transceiver 25. However, the transceiver 25 appears to be used to communicate between the police station 10 and the remote transmitter 21, while the outside speaker 14 appears to be used by the officer 20 to communicate with other people on the street. As a result, it is apparent

that Raskin also fails to disclose or suggest the audio output instructing unit for controlling an audio output unit to output an audio signal when a distance calculated based on a field strength of a radio wave transmitted from a communication terminal is shorter than a predetermined value and for controlling a radio transmitting unit to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value, since the transceiver 25 and the outside speaker 14 are used to communicate with different people (e.g., the transceiver 25 is used to communicate with the police station 10 and the speaker 14 is used to communicate with people on the street) and not as alternatives depending a distance calculated based on a field strength of a radio wave transmitted from the police station 10 to the vehicle 12 or the vehicle 12 to the transmitter 21. Further, the decision to use the speaker 14 to output audio versus the transceiver 25 to transmit audio is made by the police officer 20.

Ichino discloses a television that contains a circuit which is capable of automatically comparing the strength of a FM simulcast signal with the strength of a television audio signal and automatically selecting the stronger of the two signals for output without user intervention. (See column 2, lines 10-38).

Based on the above disclosure, it is apparent that the television receives the television audio signal from a television transmitter and the FM simulcast signal from a FM radio transmitter and measures which signal is stronger in selecting which audio to output. However, this feature of the television differs from the audio output instructing unit recited in claim 1. The audio output instructing unit controls an audio output unit to output an audio signal when a distance calculated based on a field strength of a radio wave transmitted from a communication terminal is shorter than a predetermined value and controls a radio transmitting unit to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value. In order for the television of Ichino to correspond to the audio output instructing unit of claim 1, the television would have to measure the field strength of either the television audio signal or the FM simulcast signal to determine a distance and based on that distance, determine whether to output the audio to its speaker or transmit the audio. Since it is apparent that the television is not capable of transmitting and only determines which of two audio signals to output via its speaker, the television in no way corresponds the audio output instructing unit of claim 1.

As discussed above, none of the three references, either individually or in combination, discloses or suggests the audio output instructing unit as recited in claim 1. As a result, the combination of Monroe, Raskin and Ichino fails to disclose or suggest the present invention as recited in claim 1.

In sections 4-6 of the Office Action, (1) Rostoker and (2) Strandwitz are relied on as disclosing (1) a wireless system for communicating video, audio and data signals over a narrow bandwidth and (2) audio decoders, respectively. However, even if these references do, in fact, disclose these features, neither of the references discloses or suggests an audio output instructing unit for controlling an audio output unit to output an audio signal when a distance calculated based on a field strength of a radio wave transmitted from a communication terminal is shorter than a predetermined value and for controlling a radio transmitting unit to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value, as recited in claim 1.

As for claims 9, 13, 21 and 25, these claims are patentable over the references relied upon in the rejections for similar reasons as set forth above with regard to claim 1. That is, claims 9, 13, 21 and 25, like above claim 1, recite, in part, controlling an audio output unit to output an audio signal when a distance calculated based on a field strength of a radio wave is shorter than a predetermined value and controlling a radio transmitting unit to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value, wherein the distance is between either (1) a transmitter and a communication terminal, (2) a communication terminal and a portable display terminal, or (3) a transmitter and a portable display terminal, which features are not disclosed or suggested in the references.

In addition, claims 2, 3, 14, 15 and 23 are also patentable over any combination of the references relied upon in the rejections, since these claims each recite, in part, when the audio output instructing unit controls the audio output unit to output the audio signal, an audio compressing coder lowers a compression rate of a moving image compressing coder to transmit moving image data. None of the references discloses or suggests this feature recited in claims 2, 3, 14, 15 and 23.

Because of the above mentioned distinctions, it is believed clear that claims 1-4, 7-15, 17 and 21-29 are allowable over the references relied upon in the rejections. Furthermore, it is submitted

that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-3, 7-15, 17 and 21-29. Therefore, it is submitted that claims 1-4, 7-15, 17 and 21-29 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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